

REMARKS

Applicants thank Examiner Hsu for the courtesy and consideration extended to Applicants' representative during the telephonic interview of August 18, 2005. During the interview, the rejections contained in the Office Action mailed on June 14, 2005, were discussed. In that Office Action, claims 21-23, 30-34, 55-57, and 64-68 were rejected under 35 U.S.C. § 102(a) as being anticipated by the document entitled "Complex FreedomSwitch-Automated Load Balancing Gives Maximum Efficiency" ("*Complex*"); claims 1, 2, 4-14, 16-20, 25, 26, 35, 36, 38-48, 50-54, 59, 60, and 78-84 were rejected under 35 U.S.C. § 103(a) as being unpatentable over *Complex*; claims 69-77 were allowed; and claims 3, 15, 24, 27-29, 37, 49, 58, and 61-63 were indicated as allowable if rewritten in independent form.

By this Amendment, Applicants have made minor wording changes to claims 1, 3, 9, 21, 24, 35, 37, 43, 55, 58, and 78. In addition, Applicants respectfully traverse the Examiner's rejections because *Complex* does not teach or suggest the combination of features recited in the pending claims. Indeed, during the interview, the Examiner agreed that *Complex* did not teach or suggest the combination of features recited in at least independent claims 1, 9, 35, 43, or 78. The Examiner indicated, however, that Applicants should make minor wording changes to these claims to clarify their scope and that they would be allowable if the discussed changes are made to those claims. Specifically, the Examiner agreed that these claims would be allowable if claims 1 and 35 are amended to recite "weighing potential benefit of an action against its consequences" and claims 9, 43, and 78 are amended to recite "while keeping as many ports as possible on previous segments." (*See* Interview Summary at 3.) Applicants have amended these claims as such and submit that these claims are allowable as indicated by the Examiner during

the interview and at least because *Compex* does not teach or suggest the combination of features recited in these claims.

Similarly, Applicants respectfully submit that claims 21 and 55 are allowable at least because they recite a combination of features, including "wherein the mechanism weighs potential benefit of an action against its consequences." *Compex* does not teach or suggest at least these features. The Examiner agreed to as much during the interview. (See Interview Summary at 3.)

Finally, Applicants note that dependent claims 3, 24, 37, and 58 were amended to make them consistent with the independent claims and that these claims along with other dependent claims have been either allowed or are allowable at least because they depend from claims 1, 9, 21, 35, 43, 55, or 78, which are allowable for the reasons set forth above.

In view of the foregoing amendments and remarks, Applicants respectfully request reconsideration and reexamination of this application and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: September 14, 2005

By: Naveen Modi
Naveen Modi
Reg. No. 46,224